



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

TELEPHONE
(213) 974-1838
FACSIMILE
(213) 626-7446
TDD
(213) 633-0901

ANDREA SHERIDAN ORDIN
County Counsel

October 19, 2011

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: JOHN F. KRATTL 
Senior Assistant County Counsel

RE: **Item for the Board of Supervisor's Agenda**
County Claims Board Recommendation
Victoria L. Wilder v. Herbert G. Hunt, et al.
Los Angeles Superior Court Case No. PC 046 224

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary, the Summary Corrective Action Plan, and the Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, the Summary Corrective Action Plan, and the Corrective Action Plan be placed on the Board of Supervisor's agenda.

JFK:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Victoria L. Wilder v. Herbert G. Hunt, et al., Los Angeles Superior Court Case No. PC 046 224, in the amount of \$150,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Public Works' budget.

This dangerous condition lawsuit arises from injuries sustained in a automobile accident which occurred at the intersection of Lake Manor Drive and Ventura Way in the unincorporated Chatsworth area.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Victoria Wilder v. Herbert G. Hunt, et al.
CASE NUMBER	PC046224
COURT	Los Angeles Superior Court (Chatsworth)
DATE FILED	10/23/2009
COUNTY DEPARTMENT	Department of Public Works
PROPOSED SETTLEMENT AMOUNT	\$ \$150,000
ATTORNEY FOR PLAINTIFF	Eliseo Gauna, Esq.
COUNTY COUNSEL ATTORNEY	Tighe F. Hudson Principal Deputy County Counsel
NATURE OF CASE	<p>This is an alleged dangerous condition lawsuit concerning an automobile accident which occurred on May 8, 2008, at the intersection of Lake Manor Drive and Ventura Way. Victoria L. Wilder (age 54) was a passenger in vehicle making a left turn onto Ventura Way when it was struck by an approaching vehicle. She alleges a dangerous condition of public property. The County denies that there was a dangerous roadway condition and contends that none of the roadway features contributed to this accident.</p>

Due to the risks and uncertainties of litigation, we join our third-party administrator, Carl Warren & Company, and our private counsel, Allen L. Thomas, Esq., in conjunction with the Department of Public Works, recommending a full and final settlement of the case in the amount for \$150,000.

PAID ATTORNEY FEES, TO DATE	\$	62,920
PAID COSTS, TO DATE	\$	23,666



Summary Corrective Action Plan
County of Los Angeles Department of Public Works



The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel

Claim. Date of incident/event: -	May 8, 2008
Briefly provide a description of the incident/event:	On May 8, 2008, Victoria Wilder (passenger) sustained injuries when Herbert Hunt (driver) attempted to make a left turn from Lake Manor Drive onto Ventura Way in the unincorporated Chatsworth area and was struck by a westbound vehicle on Lake Manor Drive driven by Timothy Wedgeworth.

1 Briefly describe the root cause of the claim/lawsuit:

Based on our analysis, there is no dangerous condition on Lake Manor Drive at Ventura Way. All signs, striping, and pavement markings were in place and were visible at the time of the subject incident. These signs and markings, including regulatory speed limit signs, were placed in accordance with applicable guidelines and in conformance with good traffic engineering practices.

According to our records, there was only one other reported intersection type accident during the 9 years prior to the subject incident. According to our experts, there was sufficient sight distance to allow an adequate gap in westbound traffic for an eastbound motorist to complete a left turn without being in conflict with westbound motorists traveling at the posted speed limit.

According to the Traffic Collision Report prepared by the California Highway Patrol, the driver of the westbound vehicle caused this collision by driving at an unsafe speed for the roadway conditions.

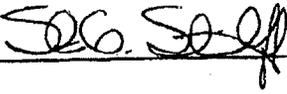
2 Briefly describe recommended corrective actions.
(Include each corrective action, due date, responsible party and any disciplinary actions if appropriate)

No corrective actions are contemplated. Settling this litigation with Plaintiff is a business decision to avoid the risks of trial

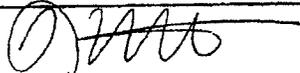
County of Los Angeles Department of Public Works
 Summary Corrective Action Plan

3. State if the corrective actions are applicable to only your department or other County departments:
 (If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- Potentially has Countywide implications.
- Potentially has implications to other departments (i e., all human services, all safety departments, or one or more other departments)
- Does not appear to have Countywide or other department implications.

Signature: (Risk Management Coordinator)	Date:
Steven G. Steinhoff 	AUGUST 17, 2011
Signature: (Director)	Date:
Gail Farber 	8-30-11

Chief Executive Office Risk Management Branch

Name:	LEONARDO COSTANTINO	Date:	8/15/2011
Signature:		Date:	

 ARM:psr
 P4:WILDER SCAP1

**DEPARTMENT OF PUBLIC WORKS
CORRECTIVE ACTION PLAN**

CLAIM OF: Victoria Wilder

INCIDENT DATE: May 8, 2008

INCIDENT LOCATION: Lake Manor Drive at Ventura Way, in the unincorporated Chatsworth area.

RISK ISSUES: There are a total of three defendants in this auto liability case, Timothy Wedgeworth, Herbert G. Hunt, and the County. Should this matter proceed to Court, and an adverse verdict is rendered, the County could be held responsible for the entire amount of economic damages awarded by a jury due to the issue of joint and several liability.

INVESTIGATIVE REVIEW:

On May 8, 2008, Victoria Wilder sustained injuries when the vehicle she was a passenger in, attempted to make a left turn onto Ventura Way, in the unincorporated Chatsworth area, and was struck by a westbound vehicle on Lake Manor Drive driven by Timothy Wedgeworth. According to the Traffic Collision Report prepared by the California Highway Patrol, the driver of the westbound vehicle caused this collision by driving at an unsafe speed for the roadway conditions.

Based on our analysis, there is no dangerous condition on Lake Manor Drive at Ventura Way. All signs, striping, and pavement markings were in place and were visible at the time of the subject incident. These signs and markings, including regulatory speed limit signs, were placed in accordance with applicable guidelines and in conformance with good traffic engineering practices.

According to our records, there was only one other reported intersection type accident during the 9 years prior to the subject incident. According to our experts, there was sufficient sight distance to allow an adequate gap in westbound traffic for an eastbound motorist to complete a left turn without being in conflict with westbound motorists traveling at the posted speed limit.

POLICY ISSUES:

Our Road Maintenance Division (RMD) maintains Lake Manor Drive at the incident location. As part of RMD's operations, Superintendents and Supervisors perform monthly inspections to visually review public streets and alleys for maintenance related conditions. In addition, they are alerted to problem conditions by other public entities, citizens, and their own staff. When maintenance problem conditions are found, corrective actions are taken.

